

United States District Court

District of the Northern Mariana Islands

JAN 20 2006

For The Northern Mariana Islands

By _____
(Deputy Clerk)

UNITED STATES OF AMERICA,)

Plaintiff,)

NOTICE OF APPEAL

-v-)

D.C. DOCKET NUMBER: 04-00038

Eric John Tudela Mafnas)

and Chrley K. Patris)

Alex R. Munson

Defendant,)

(District Court Judge)

Notice is hereby given that Charley K. Patris appeals to the
United States Court of Appeals for the Ninth Circuit from the:

☐ Conviction only (Fed. R. Crim P. 32(b))☐ Conviction and sentence☐ Sentence only (18 U.S.C. Sec. 3742)☒ Order (specify) Denying his double jeopardy motion

_____ entered on this action on January 06, 2006
(date)

Sentence imposed: _____

Bail status: Mafnas is currently in custody awaiting sentencing

G. Anthony Long
(Counsel for Appellant)

Date: January 20, 2006

Address: P.O. Box 504970
2nd FLOOR LIM'S BUILDING
SAN JOSE, SAIPAN, MP 96950

Phone number: (670) 235-4802Fax number: (670) 235-4801Name of Court Reporter: Sanae N. ShmullTranscript required: Yes ☒ No ☐

If "Yes", date ordered or to be ordered January 26, 2006 (including
arrangements for payment with court reporter)

[If transcript required, complete Transcript Order Form CA9-036, contact court reporter immediately
to make arrangements for transcription].

[CA9-88-1NOA]

FAX-IN

1/10/06

FILED
Clerk
District Court

JAN - 6 2006

For The Northern Mariana Islands
By _____
(Deputy Clerk)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

UNITED STATES OF AMERICA,) Criminal No. 04-00038
)
Plaintiff)
)
v.)
)
ERIC JOHN TUDELA MAFNAS) ORDER DENYING MOTION
and CHARLEY K. PATRIS,) TO DISMISS INDICTMENT
)
Defendants)
_____)

THIS MATTER came before the court on Friday, January 6, 2006, for hearing of defendant Mafnas' motion to dismiss the indictment. Defendant Patris joined in the motion. Plaintiff appeared by and through its attorney, Assistant U.S. Attorney Timothy E. Moran; defendant Mafnas appeared personally and by and through his attorney, Howard Trapp; and, defendant Patris appeared personally and by and through his attorney, G. Anthony Long.

1 THE COURT, having considered the evidence presented and the oral
2 arguments of counsel, denies defendants' motion to dismiss the indictment.

3
4 Defendants, both former police officers, are being detained on the island of
5 Guam pending sentencing after being found guilty of criminal charges by a jury.
6 They seek dismissal of the original indictment against them as a remedy for
7 constitutional rights violations they have allegedly experienced while in detention.
8

9 Defendants were unable to supply to the court any authority whatsoever that a
10 permissible post-conviction, pre-sentencing remedy for alleged constitutional
11 violations is dismissal of the indictment against them. Because the court was given
12 no authority, and could find no authority itself, the motion is denied. Additionally,
13 defendants' characterization of their conditions of detention as "punishment" was
14 not proved under *any* standard of proof. Whatever grievances they may have (and,
15 again, none were proved today), this motion was not the proper avenue for the
16 resolution of those grievances.
17
18

19 IT IS SO ORDERED.
20

21 DATED this 6th day of January, 2006.
22

23
24 
25 ALEX R. MUNSON
26 Judge